

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte RONALD L. BROOKSHIRE  
and  
TRAVIS J. BROOKSHIRE

Application 10/676,593

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on February 23, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the Image File Wrapper (IFW) indicates that appellants filed a Second Supplemental Appeal Brief on October 20, 2005. The examiner acknowledged the Appeal Brief in an Examiner's Answer mailed on November 21, 2005. Section

1207.02 of the Manual of Patent Examining Procedure (MPEP)

(8<sup>th</sup> Ed., Rev. 3, August 2005) states:

Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . .

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

It is noted that while the Examiner's Answer states that "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal" [page 4 under the caption "Evidence Relied Upon"], the claim rejections are listed as follows:

1. Claims 1-3, and 7 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Adkins, II (United States [sic] Patent number 5,131,888) [page 4];

2. Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Adkins, II (U.S. Patent number 5,131,888) in view of Staler, et al. (U.S. Patent number 4,453,119) [page 5];

3. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Adkins in view of any of Finley (United States [sic] Patent number 776,310); West (United States [sic] Patent number 349,549) or Bates (United States [sic] Patent number 98,833) [page 6];

4. Claims 9, 12, 13, 14, 15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longo, Sr. (United States [sic] Patent number 5,857,807) in view of Adkins [page 6];

5. Claims 11, 16, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longo, Sr. (U.S. Patent number 5,857,807) and Adkins, II (U.S. Patent number 5,131,888) and further in view of Staler, et al. (U.S. Patent number 4,453,119) [page 7]; and

6. Claims 10 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Longo and Adkins and further in view of any one of Finley (United States [sic] Patent number 776,310); West (United States [sic] Patent number 349,549) or Bates (United States [sic] Patent number 98,833) [page 9].

Correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner:

- 1) to submit a revised Examiner's Answer which corrects the "Evidence Relied Upon" section; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:

  
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